ENFORCEMENT DECREE OF THE SPECIAL ACT ON THE IMPROVEMENT OF AIR QUALITY IN PORT AREAS

Presidential Decree No. 30261, Dec. 24, 2019

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Special Act on the Improvement of Air Quality in Port Areas and matters necessary for the enforcement thereof.

Article 2 (Port Air Quality Control Zones)

“Areas prescribed by Presidential Decree” in subparagraph 2, with the exception of its items, of Article 2 of the Special Act on the Improvement of Air Quality in Port Areas (hereinafter referred to as the “Act”) means the areas listed in attached Table 1.

Article 3 (Types of Loading and Unloading Equipment)

“Equipment prescribed by Presidential Decree” in subparagraph 4 of Article 2 of the Act means the equipment specified in attached Table 2.

Article 4 (Content of Master Plans)

(1) “Matters prescribed by Presidential Decree” in Article 7 (2) 9 of the Act means matters relating to the protection of, and support for, a class vulnerable to air pollution, such as children, senior citizens and outdoor workers.

(2) “Modification of insignificant matters prescribed by Presidential Decree” in the proviso of Article 7 (3) of the Act means any of the following:

1. Changing the cost for promoting a master plan for improving air quality in port or similar area established under Article 7 (1) of the Act (hereinafter referred to as the “master plan”) by not more than 30/100;

2. Modifying the master plan due to an amendment to other statute or regulation or a modification of any plan established under such statute or regulation, without affecting the basic objectives and direction of the master plan;

3. Correcting a miscalculation, a clerical error, an omission or other equivalent apparent mistakes.

Article 5 (Surveys)

(1) A network to monitor air quality established under Article 9 (1) of the Act means a network to measure the density of air pollutants in harbor zones defined in subparagraph 4 of Article 2 of the Harbor Act and in fishing harbor zones defined in subparagraph 4 of Article 2 of the Fishing Villages and Fishery Harbors Act.

(2) To conduct a survey under Article 9 (2) of the Act, a Metropolitan City Mayor, Do Governor and Special Self-Governing Province Governor (hereinafter referred to as “Mayor/Do Governor”) shall report to the Minister of Environment and the Minister of Oceans and Fisheries a survey plan that contains survey items, a survey schedule and other relevant details before conducting the survey.

(3) A Mayor/Do Governor who has conducted a survey at port or similar area under his or her jurisdiction under Article 9 (2) of the Act shall report survey findings which include the following to the Minister of Environment and the Minister of Oceans and Fisheries within one month after the completion of the survey:

1. A list of port-related emission sources in the surveyed area;

2. Density of air pollutants ( referring to the air pollutants listed in the subparagraphs of Article 7 (1) of the Act; hereinafter the same applies) in the surveyed area.

(4) The Minister of Environment and the Minister of Oceans and Fisheries may perform the following duties utilizing the monitoring results under Article 9 (1) of the Act and the survey findings reported under paragraph (2) of the same Article:

1. Conducting research to assess, analyze and forecast the air quality in port or similar area;

2. Identifying the emission status of air pollutants and analyzing the composition of the air pollutants by a port-related emission source;

3. Collecting and managing other information necessary to improve the air quality in port or similar area.

Article 6 (Sulfur Content Standards)

(1) “Sulfur content standards prescribed by Presidential Decree” in the main clause of Article 10 (2) of the Act are as specified in attached Table 3.

(2) “Period prescribed by Presidential Decree” in Article 10 (4) of the Act means one year.

Article 7 (Support for Ships Navigating at Low Speed)

The Minister of Oceans and Fisheries may provide any of the following support for a ship that accepts a recommendation given under Article 11 (1) of the Act:

1. Guidance, counsel and education about how to navigate at low speed based on the size and characteristics of the ship;

2. A partial or full exemption of user fees for harbor facilities collected under Article 30 of the Harbor Act;

3. Other administrative and financial support necessary for the ship to navigate at low speed.

Article 8 (Ships That Must be Purchased as Environment-Friendly Ships)

“Ship that will be used for purposes prescribed by Presidential Decree” in Article 12 of the Act means any ship other than the following:

1. Ships for defense or public security purposes, such as military ships and vessels used by the Korea Coast Guard;

2. Ships for which the safety risk is substantially increased or where the performances required for ships, such as continuous navigation hours and navigating speed, is difficult to meet, if environment-friendly ships are used;

3. Other ships determined by the Minister of Oceans and Fisheries as he or she deems it impracticable to purchase such ships as environment-friendly ships, considering their purposes.

Article 9 (Exhaust Gas Emission Standards for Loading and Unloading Equipment)

“Exhaust gas emission standards for loading and unloading equipment prescribed by Presidential Decree” in Article 14 of the Act are as specified in attached Table 4.

Article 10 (Port Facilities in Which Alternative Maritime Power System Must be Installed)

(1) “Port facilities prescribed by Presidential Decree” in the main clause of Article 18 (1) of the Act means the mooring facilities as defined in subparagraph 5 (a) (iv) of Article 2 of the Harbor Act, which are any of the following harbor facilities:

1. Facilities exclusively used by container ships;

2. Facilities exclusively used by cruise ships;

3. Other harbor facilities publicly notified by the Minister of Oceans and Fisheries as he or she determines that the air pollutant emissions of such harbor facilities are same as or exceed the air pollutant emissions of the facilities referred to in subparagraph 1 or 2, considering how often such harbor facilities are used, how long ships berth at such harbor facilities and other relevant factors.

(2) “Case prescribed by Presidential Decree, such as a lack of power facilities” in the proviso of Article 18 (1) of the Act means any case in which power facilities are insufficient; it is hard to guarantee safety in the cargo unloading process if an alternative maritime power system defined in the main clause of Article 18 (1) of the Act (hereinafter referred to as “alternative maritime power system”) is installed; or installation of an alternative maritime power system is substantially impracticable.

Article 11 (Entry and Inspection)

The Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may require public officials of the Ministry of Oceans and Fisheries or Korea Coast Guard to examine or inspect related documents, facilities, equipment, loading and unloading equipment and fuel oils by entering ships or the business places of port-based business operators pursuant to Article 19 (1) of the Act if any of the following is applicable:

1. If it is necessary to verify whether a shipowner is fulfilling its obligation provided in Article 10 (2) through (5) of the Act;

2. If it is necessary to verify whether a shipowner that obtained or intends to obtain support necessary for low speed navigation under Article 11 (2) of the Act has accepted a recommendation under paragraph (1) of the same Article;

3. If it is necessary to verify whether a port-based business operator has fulfilled its obligation provided in Article 13 (1) of the Act and has complied with an order issued under paragraph (2) of the same Article;

4. If it is necessary to verify whether a port-based business operator has complied with the exhaust gas emission standards for loading and unloading equipment under Article 14 of the Act;

5. Such other cases as the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may determine necessary to improve the air quality in port or similar area.

Article 12 (Delegation and Entrustment of Authority)

(1) The Minister of Oceans and Fisheries shall delegate the following authority to the heads of the Regional Offices of Oceans and Fisheries pursuant to Article 21 (1) of the Act:

1. Providing support necessary for low speed navigation under Article 11 (2) of the Act (excluding support necessary for ships arriving at and departing from the trade ports under the jurisdiction of each Port Authority provided in Article 4 (4) of the Port Authority Act to navigate at low speed);

2. Issuing orders to install equipment to control the generation of fugitive dust or to take necessary measures or to make an improvement under Article 13 (2) of the Act;

3. Imposing motor vehicle access restrictions under Article 16 of the Act;

4. Conducting inspections by entering ships or the business places of port-based business operators under Article 19 (1) of the Act;

5. Issuing orders or taking action, such as stop, search, seize and entry and departure bans on ships under Article 20 of the Act;

6. Imposing and collecting administrative fines under Article 25 of the Act.

(2) The Commissioner of the Korea Coast Guard shall delegate the following authority to the chiefs of the coast guard stations under Article 21 (1) of the Act:

1. Conducting inspections by entering ships or the business places of of port-based business operators under Article 19 (1) of the Act;

2. Issuing orders or taking action, such as stop, search, seize and entry and departure bans on ships under Article 20 of the Act.

(3) The Minister of Environment and the Minister of Oceans and Fisheries shall entrust the duty to establish a network to monitor air quality and to monitor air quality continuously under Article 9 (1) of the Act to the Korea Environment Corporation established under the Korea Environment Corporation Act pursuant to Article 21 (3) of the Act.

(4) The Minister of Oceans and Fisheries shall entrust the duty to utilize the monitoring results and survey findings under Article 9 (3) of the Act and Article 5 (4) of this Decree to the Korea Marine Environment Management Corporation established under Article 96 (1) of the Marine Environment Management Act pursuant to Article 21 (3) of the Act.

(5) The Minister of Oceans and Fisheries shall entrust the duty to provide support necessary for ships arriving at and departing from the trade ports under the jurisdiction of each Port Authority provided in Article 4 (4) of the Port Authority Act to navigate at the reduced speed under Article 11 (2) of the Act to each Port Authority established under the Port Authority Act pursuant to Article 21 (3) of the Act.

Article 13 (Standards for Imposition of Administrative Fines)

The standards for the imposition of administrative fines under Article 24 of the Act are as specified in attached Table 5.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2020: Provided, That Article 6 and attached Table 3 shall enter into force on September 1, 2020.

Article 2 (Enforcement Date of Provisions on Sulfur Oxides Emission Control Areas)

“The date prescribed by Presidential Decree” in the proviso of the Addendum to the Special Act on the Improvement of Air Quality in Port Areas (Act No. 16308) means September 1, 2020.

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